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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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November 2, 1993

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TELEX 4938614

EX PARTE

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

Re: PR Docket No. 93-61
Automatic Vehicle Monitoring Systems

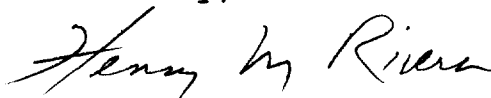
Dear Mr. Caton:

On Tuesday, November 2, 1993, the attached letter was presented to Chairman Quello, Commissioner Barrett and Commissioner Duggan, and to Ralph A. Haller, Chief, Private Radio Bureau and Thomas P. Stanley, Chief Engineer.

Two copies of this letter are being submitted to the Secretary of the Commission pursuant to § 1.1206(a)(1) of the Commission's Rules.

Please contact the undersigned if you have any questions or require additional information concerning this matter.

Sincerely,



Henry M. Rivera

cc: Chairman Quello
Commissioner Barrett
Commissioner Duggan
Ralph A. Haller, Chief, Private Radio Bureau
Thomas P. Stanley, Chief Engineer

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

November 2, 1993

The Honorable James H. Quello
Chairman
Federal Communications Commission
Room 802
1919 M St. NW
Washington, DC 20554

The Honorable Andrew C. Barrett
Commissioner
Federal Communications Commission
Room 844
1919 M St. NW
Washington, DC 20554

The Honorable Ervin S. Duggan
Commissioner
Federal Communication Commission
Room 832
1919 M St. NW
Washington, DC 20554

Re: PR Docket No. 93-61
Automatic Vehicle Monitoring

Dear Chairman Quello, Commissioner Barrett and Commissioner Duggan:

The undersigned manufacturers, users and trade associations are vitally concerned with the future of low power, Part 15 equipment operating on an authorized but unlicensed basis in the 902-928 MHz frequency band. We wish to call your attention to the above-referenced proceeding which proposes to establish a new service in this band, the Location Monitoring Service ("LMS"). It is believed that this proposal, if adopted, will jeopardize the very existence of the Part 15 industry as well as the millions of users that benefit from, and use, Part 15 equipment. At this time, we understand that the LMS proposal will be before you for a vote in December or January.

The undersigned have filed various Comments and Reply Comments, and have visited with the Commission staff concerning this proceeding. The purpose of this letter is not to reargue our positions. Rather, it is to provide you with a very brief synopsis of the record and the problems the undersigned and the Commission

will suffer if the proposals announced in the Notice of Proposed Rulemaking are adopted.

The record in this proceeding unequivocally demonstrates that Part 15 equipment is likely to cause interference to, and receive interference from, the proposed wide-band LMS systems.^{1/} The undersigned are aware of no technical way to eliminate this interference, and the proponents of the technology have offered none. As a result, if the Commission's proposals are adopted, LMS licensees receiving interference from Part 15 devices would have the right to petition the Commission to require the Part 15 equipment to cease operations pursuant to Sections 15.5(b) and (c) of the Rules.

Adoption of LMS as proposed in the Notice will cause insurmountable problems. For example, it will have a devastating impact on the hundreds of millions of dollars already invested, and to be invested, in research and development of Part 15 equipment. It will also cause the loss of many American jobs,^{2/} and will

^{1/} Proponents of LMS have argued that Part 15 interests must be ignored in this proceeding on the ground that Part 15 operations are secondary, and, therefore, must accept any interference. While Part 15 is certainly secondary to existing licensed services, it is wrong to suggest that the Commission may not consider the consequences to millions of Part 15 users in creating a new licensed service, like LMS, which greatly expands existing AVN interim rules. To the contrary, we believe the Commission has a statutory obligation to consider the public interest in existing Part 15 operations in reaching any decision about LMS.

LMS proponents also argue that Part 15 interests need not be considered in this proceeding because the Commission's Notice does not propose to change the rules under which Part 15 operates. This argument, likewise, overlooks the fact that even under existing rules, LMS promises to have a major negative impact on Part 15 operations; and, Part 15 users have every right to be heard on this issue and to have their position considered in this proceeding.

^{2/} Part 15 products were expressly encouraged to be developed and use this band several years ago; yet, now the Commission seems inclined to bring LMS systems into the same band, despite clear evidence that interference will result (and the earlier-authorized use will be compelled to give way).

^{3/} It is believed that the specific technology proposed to implement LMS is being developed in foreign countries, and that the equipment developed to deploy LMS will be sourced from Asia. This is in stark contrast to the manufacturing base in the U.S. that
(continued...)

deprive millions of users from employing this highly desirable, robust, efficient and effective equipment. In addition, this action could deny millions of citizens the benefits that Part 15 devices bring to medical applications, protection of life and property, and the implementation of energy efficiency and conservation programs, as well as the advantages of new digital cordless phones and other Part 15 technology operating in this band.^{5/} Finally, adoption of the proposal will enmesh the Commission in a massive and impossible enforcement action as the FCC attempts to resolve complaints dealing with Part 15 devices causing interference to LMS systems.^{6/}

We hope that you find the potential impact of moving forward with PR Docket No. 93-61, as proposed in the Notice of Proposed Rulemaking, as disturbing as we do.^{7/} We ask that you take a hard

^{3/}(...continued)

supports a majority of Part 15 equipment and the U.S.-developed technology -- spread spectrum -- which is the basis of the majority of Part 15 applications. Placing U.S. technology and manufacturing jobs at risk, for the benefit of foreign technology and jobs, makes little sense in any context, and certainly should not be part of a reasoned FCC regulatory decision.

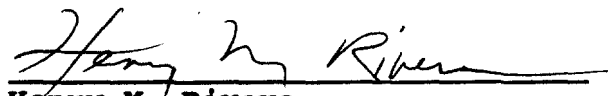
^{4/} The Commission has recently noted the importance of Part 15 devices. See, e.g., Amendment of the Commission's Rules To Establish New Personal Communications Services (Second Report and Order), FCC 93-451 at ¶ 87 (Oct. 22, 1993).

^{5/} The Commission must not lightly take action that renders these mass-market products useless, causing mass confusion and inconvenience to the people who rely on them. The Commission's recent experience with hearing aid compatibility rules is instructive in this regard. The Commission adopted rules that required replacement of millions of business telephone handsets to make them hearing aid compatible. The Commission apparently adopted this rule without fully considering the impact on the thousands of business users whose handsets would have to be replaced. When business users finally learned of the new regulations, only months before they were to take effect, the Commission was deluged with angry letters and phone calls. It became necessary for the Commission to suspend the rule at the last minute, pending a reevaluation of the impact on U.S. business. Access to Telecommunications Equipment and Services by the Hearing Impaired and Other Disabled Persons, 8 FCC Rcd 4958 (1993). The Commission should not make a similar mistake here.

^{6/} No party to this proceeding agrees with the proposal in its entirety. Moreover, the record reflects a myriad of technical deficiencies (beyond the mutual interference issue) for which
(continued...)

look at this proceeding and that you urge the Private Radio Bureau to reconsider the initial proposals in favor of ones which more appropriately balance the needs of both the AVM and Part 15 communities. Representatives of the undersigned will be scheduling appointments to discuss this matter more fully with you and your staff within the next few weeks.

Respectfully submitted,


Henry M. Rivera
Counsel for
METRICOM, INC.

/s/ Steven J. Winick
Steven J. Winick
Vice President
ADEMCO

/s/ John A. Prendergast
John A. Prendergast
Counsel For
ALARM INDUSTRY COMMUNICATIONS COMMITTEE

/s/ Lawrence J. Movshin
Lawrence J. Movshin
Counsel For
DOMESTIC AUTOMATION

/s/ Barbara N. McLennan
Barbara N. McLennan
Staff Vice President, Government and
Legal Affairs
Consumer Electronics Group
ELECTRONIC INDUSTRIES ASSOCIATION

9/ (...continued)
adequate solutions are not apparent. On the record currently before it, the Commission should abandon its efforts to add additional Part 90 users to the 902-928 MHz band and should withdraw its proposal.

/s/ Richard G. Geiger
Richard G. Geiger
Vice President
ITRON, INC.

/s/ Christopher B. Vallani
Christopher B. Vallani, Esquire
President
NAV GUARD, INC.

/s/ Steve Schear
Steve Schear, Chairman
PART 15 COALITION

/s/ William McGreevy
William McGreevy
Vice President, Engineering
RECOTON CORPORATION

/s/ Olin S. Giles
Olin S. Giles
Vice President-Engineering
SENSORMATIC ELECTRONICS CORPORATION

/s/ James B. DeBello
James B. DeBello
President
SOLECTEK CORPORATION

^{1/}The members of the Part 15 Coalition are: ADEMCO, American Wireless, Amtech Logistics, Axxon/Life Point, California Wireless, California Microwave, Cincinnati Microwave, Cobra Electronics, CYLINK, DAC, Enscan/Itron, Gambatte, Granite Communications, GRE America, Inovonics, Interneec, Metricom, Nav Guard, Persoft, Proxim, Radionics, Real-Time Data, Recoton, ROLM, Salient Communications, Sensormatic, SpectraLink, Spread Spectrum Technologies, Summit Design, Symbol Technologies, Tatung Telecom, Tetherless Access, Uniden Engineering Services, Utilicom, Voyager Technologies, Western Multiplex, Wise Communications and Xircom.

/s/ Henry M. Rivera
Henry M. Rivera
Counsel for
SOUTHERN CALIFORNIA EDISON CO.

/s/ Mitchell Lazarus
Mitchell Lazarus
Counsel For
SYMBOL TECHNOLOGIES, INC.

/s/ Richard Heller
Richard Heller, President
Wireless Communication Systems
TELXON CORPORATION

/s/ Wray C. Hiser
Wray C. Hiser
Associate General Counsel
THOMPSON CONSUMER ELECTRONICS, INC.

/s/ Jeffrey H. Sheldon
Jeffrey L. Sheldon
General Counsel
UTILITIES TELECOMMUNICATIONS COUNCIL

cc: Thomas P. Stanley, Chief Engineer
Office of Engineering and Technology

Ralph A. Haller, Chief
Private Radio Bureau

Mr. William F. Caton
Acting Secretary